

AMENDMENT NO. ONE

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
CITY OF SIERRA VISTA

THIS AGREEMENT is entered into this date of July 2nd, 2004, **Amendment One** to JPA 03-001, AG Contract No. KR03-0294TRN, filed with the Secretary of State under No. 25966, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and City acting by and through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

THE PURPOSE OF THIS AMENDMENT is to increase the original amount of \$19,000.00, per original JPA 03-001 Agreement, executed on April 21, 2003, in an additional amount of \$8,000.00 for the Project for a total cost of **\$27,000.00**. Funding will be applied to Project No. S092-A-5-05, under Tracs No. H6347 01C from fiscal year 2005, (73305).

THEREFORE, in consideration of the mutual agreements expressed herein, this Agreement is amended as follows:

Recital 3 is deleted and replaced with the following language:

3. The State and the City desire to participate in the design, construction and maintenance of concrete "ADA compliant transitions" at 3 locations on the eastside of State Route 92 to connect the existing parallel State Route 92 multi-modal pathway with existing side street sidewalks at: **a)** Northeast corner of Foothills Drive; **b)** Northeast corner of Snyder Boulevard; **c)** Southeast corner of Snyder Boulevard, at an estimated cost of **\$27,000.00**, hereinafter collectively referred to as the Project. The parties hereto agree the City shall be the lead agency for the Project.

NO. 25966 #0/
Filed with the Secretary of State
Date Filed: 07/02/04

Janice K. Brewer
Secretary of State

By: Danny D. Haeneuwald

II. SCOPE OF WORK

1. The parties hereto acknowledge the following conditions:

The following shall replace Article II.1.a:

a. The City reserves the right to "reject all bids", should the bid results exceed the estimated total cost of **\$27,000.00**. In that event, the City will not invoice the State for any reimbursement and will forward all design and construction documents to the State for possible utilization. No reimbursement to the City will be provided, should this event occur.

Article II. 1. c. has been added to the following language:

c. The additional funding for this amendment will not be available until July 1, 2004, fiscal year 2005 sub-program 73305.

2. The City will:

The following shall replace Article II. 2.a & b:

a. Be responsible for all costs over and above the State's total amount not to exceed of **\$27,000.00**, should the City elect to proceed with the Project.

b. No more than monthly on a reimbursement basis, invoice the State up to but in no event will exceed the amount of **\$27,000.00**, for the estimated costs of the Project.

3. The State will:

The following shall replace Article II. 3.a & b:


a. Be responsible for the State's total amount not to exceed of **\$27,000.00**, should the City elect to proceed with the Project.

b. Following inspection and acceptance by the State's Safford District representative, no more than monthly, and within 30 days upon receipt of an invoice, reimburse the City the amount up to and not to exceed the amount of **\$27,000.00**.

EXCEPT AS AMENDED HEREIN, ALL OTHER terms and conditions of the original Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

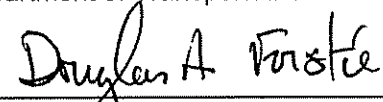
CITY OF SIERRA VISTA

By 

TOM HESSLER
Mayor

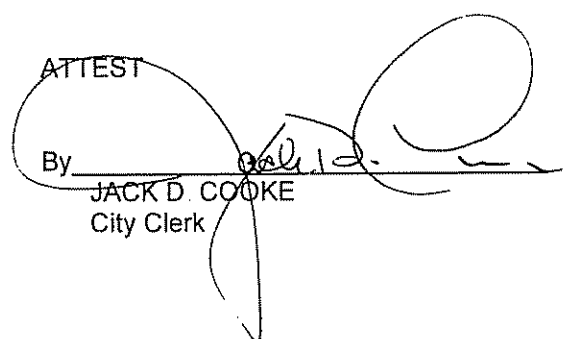
STATE OF ARIZONA

Department of Transportation

By 

DOUGLAS A. FORSTIE, P.E.
Deputy State Engineer, Operations

ATTEST

By 

JACK D. COOKE
City Clerk

G: 03-001-Sierra Vista-Amendment 1
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RESOLUTION _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA, REAFFIRMING SETTLED POLICY; AUTHORIZING THE CITY TO AMEND THE INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION TO CONSTRUCT THREE (3) ADA COMPLIANT RAMPS ALONG HIGHWAY 92 AT FOOTHILLS DRIVE AND SNYDER BOULEVARD; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, it is the settled policy of the City Council to authorize the City staff to seek, make application for, and accept any Federal and State funding assistance for improvements to our community that are beyond the funding capability of City revenues, when it is determined by the City Council to be in the best interest of the City; and

WHEREAS, the City and State share responsibilities of providing streets and public roadways which are safe and meet the transportation needs of the general public; and

WHEREAS, multi-use paths have been constructed along the east side of Highway 92; and

WHEREAS, the northeast corner of Foothills Drive, northeast corner of Snyder Boulevard, and the southeast corner of Snyder Boulevard lack American with Disability Act (ADA) compliant ramps to connect the multi-use paths with existing side street sidewalks; and

WHEREAS, Arizona Department of Transportation (ADOT) desires to fund the three ADA ramps and allow the CITY to administer the construction contract; and

WHEREAS, the original IGA amount of \$19,000 was insufficient to fund the project; and

WHEREAS, ADOT desires to amend the existing IGA to increase funding to \$27,000; and

WHEREAS, it is the best interest of ADOT, the CITY, and area residents to construct said improvements; and

WHEREAS, both parties desire to enter into an intergovernmental agreement that will allow ADOT to be responsible for the twenty-seven thousand dollars (\$27,000.00) cost of the project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the settled policy of the City Council seeking Federal and State funding assistance, most recently affirmed by Resolution 23041, be, and hereby is, reaffirmed.

SECTION 2

That the City Council approves amending the Intergovernmental Agreement with ADOT to share the project costs of constructing three (3) ADA compliant ramps along Highway 92, which is estimated to cost \$27,000 funded by ADOT and construction administered by the City.

SECTION 3

The City Manager, City Clerk, City Attorney or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF
THE CITY OF SIERRA VISTA, ARIZONA THIS ___th DAY OF MAY, 2004.

THOMAS J. HESSLER
Mayor

ATTEST:

JACK D. COOKE
City Clerk

APPROVED AS TO FORM:

STUART L. FAUVER
City Attorney

PREPARED BY:

D. MICHAEL CLAWSON
Purchasing Manager

RESOLUTION _____
PAGE THREE OF THREE

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy, which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

City of Sierra Vista
City Manager
1011 North Coronado Drive
Sierra Vista, AZ 85635

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.


IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF SIERRA VISTA

STATE OF ARIZONA

Department of Transportation

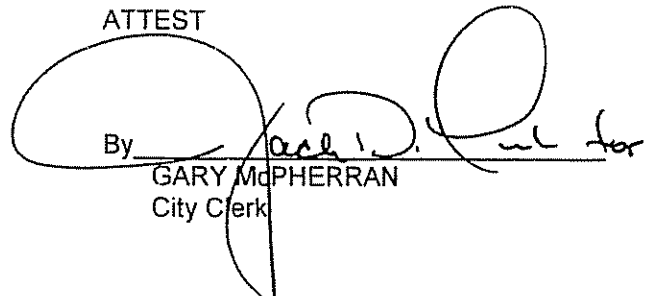
By


TOM HESSLER
Mayor

By

ATTEST

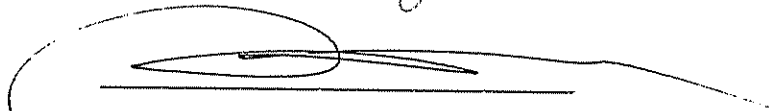
By


GARY McPHERRAN
City Clerk

APPROVAL OF THE CITY OF SIERRA VISTA ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the CITY OF SIERRA VISTA and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 11/4/11 day of June, 2004.



City Attorney



Office of the Attorney General
State of Arizona

Terry Goddard
Attorney General

CIVIL DIVISION
TRANSPORTATION SECTION

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR03-0294TRN (JPA 03-001-Amendment One), an Agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: June 30, 2004

TERRY GODDARD
Attorney General

A handwritten signature in cursive script, reading "Susan Davis", written over a horizontal line.

SUSAN E. DAVIS
Assistant Attorney General
Transportation Section